

MEETING MINUTES

MILPITAS PLANNING COMMISSION Milpitas City Hall, Council Chambers 455 E. Calaveras Blvd., Milpitas, CA

Wednesday, September 23, 2015

- I. PLEDGE OF ALLEGIANCE** **Chair Mandal** called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.
- II. ROLL CALL/ SEATING OF ALTERNATE** **Commissioners**
Present: Chair Sudhir Mandal, Vice Chair Rajeev Madnawat
 Commissioners Larry Ciardella, Demetress Morris, Ray Maglalang

Absent: Gurdev Sandhu, Hon Lien, Zeya Mohsin

Staff: Bill Ekern, Gary Baum, Nina Hawk
- III. PUBLIC FORUM** **Chair Mandal** invited members of the audience to address the Commission and there were no speakers.
- IV. APPROVAL OF MEETING MINUTES** **Chair Mandal** called for approval of the August 26, 2015 meeting minutes of the Planning Commission.

Motion to approve Planning Commission meeting minutes.
Motion/Second: Vice Chair Madnawat/Commissioner Maglalang
AYES: 4
NOES: 0
ABSTAIN: 1 Morris
- V. ANNOUNCEMENTS** Interim Planning Director Bill Ekern introduced City Attorney Chris Diaz of the law firm Best Best & Krieger. Mr. Diaz said he looks forward to working with the City and that Katy Wisinski of his office will fill the role as attorney for the Planning Commission.

Chair Mandal said he received a letter from Milpitas Unified School District regarding the acquisition of land and shared the letter with the commissioners, and announced that he will not be present for the October 14 and October 28 Planning Commission meetings.

Commissioner Maglalang announced Make a Difference Day taking place on Sunday, October 25.
- VI. CONFLICT OF INTEREST** **Interim City Attorney Gary Baum** said this is not applicable as there are no public hearing items on the agenda.

**VII. APPROVAL OF
AGENDA**

Chair Mandal asked if staff or Commissioners had changes to the agenda and there were none.

Motion to approve the September 23, 2015 agenda as submitted.

Motion/Second: Commissioner Morris/Commissioner Ciardella

AYES: 5

NOES: 0

**VIII. CONSENT
CALENDAR**

NO ITEMS

IX. PUBLIC HEARING

NO ITEMS

X. NEW BUSINESS

**X-1 INTRODUCTION TO CALIFORNIA ENVIRONMENTAL QUALITY ACT
(CEQA)**

Interim City Attorney Gary Baum spoke of his CEQA work experience and said his first published article was on CEQA and he has been advising on CEQA for nearly 30 years.

Mr. Baum said CEQA basically is a disclosure law. He said it alone does not eliminate environmental impact but requires that environmental impacts be analyzed and addressed before project approval and requires that environmental effects be reduced to a level of less than significant. CEQA recognizes that there are some environmental impacts. A project can still be passed if there are environmental impacts but it is necessary that impacts are reviewed to see if mitigation measures can be adopted to minimize those impacts.

CEQA involves a series of steps, some that take place before a project goes to the Planning Commission and others that the commission is involved with. The first step is to determine if an exemption applies that will allow the project to proceed without an environmental analysis, i.e. small projects may not require CEQA.

Chair Mandal asked what the threshold is for a small project and Mr. Baum said there are guidelines that set thresholds and some cities set them also. When an application is received, the first step is to determine if it is a project and if determined to be a project staff will check for exemptions. If there are no exemptions the first step is an initial study. If a project is large and determined to have significant environmental impacts, then an Environmental Impact Report (EIR) is necessary.

Mr. Baum said the City's process for environmental review can be found in Chapter 21 of the Municipal Code.

Commissioner Ciardella asked about traffic impacts and what happens when an adjacent city approves a high number of cars in any intersection and Mr. Baum said there are VTA

and regional standards. Mr. Ekern said that the Metropolitan Transportation Commission (MTC) studies the amount of traffic that can go through an intersection and sets the stage for what constitutes impacts and also seeks to address the inequities between cities.

Commissioner Maglalang asked if CEQA can approve or deny a project and Mr. Baum said the commission approves or denies projects but must approve the CEQA review prior to passing a project. He said CEQA alone does not approve or deny a project but if one cannot find that environmental impacts are reduced to a level of less than significant then it will be difficult to move past that. Mr. Ekern added that the commission can review CEQA on a project and agree that impacts have been mitigated but still deny the project based on other findings.

Chair Mandal asked about cumulative impacts and the distance that needs to be analyzed. Mr. Baum said cumulative impacts involve other impacts that will follow from a project and need to be analyzed to the extent that they create impacts that cannot be mitigated to less than significant. For example, the Apple project had to be analyzed out 20-30 miles due to the regional impact to the freeways.

Commissioner Maglalang asked how long it takes to complete CEQA and Mr. Ekern said it depends on the document that is being prepared and the complexity of the project but in general a negative declaration takes three to six months, an EIR depending on its complexity takes 1 to 1 ½ years, and federal review takes approximately three years.

X-2 PRESENTATION OF WATER CONSERVATION PROGRAM

Public Works Director Nina Hawk showed a PowerPoint presentation. She said Milpitas water sources are the San Francisco Public Utilities Commission (SFPUC), Santa Clara Valley Water District (SCVWD) and recycled water.

Ms. Hawk discussed the drought timeline and water conservation targets and shared information regarding mandatory water reductions. Restrictions currently in place include limiting irrigation to two days per week and day and time restrictions, and no new construction of swimming pools is permissible at this time.

Outreach to the community regarding the drought and restrictions has included door hangers and billing inserts. There has also been a new website created for residents to learn more about rebate information, water saving tips, irrigation schedules, and reporting violations.

Ms. Hawk said the City Council has approved additional staff to help achieve goals and provide outreach to restaurants, business groups and schools.

Commissioner Maglalang said there is a projection of 7,000 new homes and several hotels in the city and a concern for water supply and Ms. Hawk said an Urban Water Management Plan is created every five years which analyzes how much water is needed up to 20 years out and accounts for growth.

XI. ADJOURNMENT The meeting was adjourned at 8:55 PM to the next meeting scheduled on Wednesday, October 14, 2015.

Motion to adjourn to the next meeting.

Motion/Second: Vice Chair Madnawat/Commissioner Maglalang

AYES: 5
NOES: 0

*Meeting Minutes submitted by
Planning Secretary Elia Escobar*